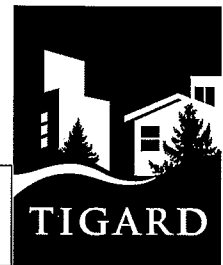


Agenda Item No. 3.1  
For Agenda of 3.28.06



### *Tigard City Council Meeting Minutes*

Date: February 14, 2006  
Time: 6:30 p.m.  
Place: Tigard City Hall, 13125 SW Hall Boulevard  
Tigard, Oregon  
Attending: Mayor Craig Dirksen Presiding  
Councilor Sally Harding  
Councilor Sydney Sherwood  
Councilor Nick Wilson  
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session		
Commuter Rail Station	Senior Planner Nachbar referred to the City Council discussion on this item during the January 17, 2006, Council meeting. Council will be asked to approve a resolution to allocate funding for the commuter rail shelter upgrade on the Consent Agenda (Item No. 3.6). The estimated cost is \$91,000.	Council approved Resolution No. 06-06 to allocate funds in FY 06-07 for Commuter Rail Shelter Upgrade during the Business Meeting (Consent Agenda No. 3.6)
Administrative Items	<p>Council reviewed the following with staff:</p> <ul style="list-style-type: none"><li>○ Council received a copy of a February 13, 2006, e-mail from Sarah Walch of the Youth Advisory Council noting support of the Tualatin River Bridge Project (Agenda Item No. 8)</li><li>○ Public Safety Levy Support – Mayor Dirksen advised he was asked if his name could be used in literature supporting the levy. There were no objections from the City Council.</li><li>○ Potso Dog Park – Coe Manufacturing has submitted a development application for their site and the dog park might need to be moved from Coe's property. The agreement between Coe Manufacturing and the City states that Coe Manufacturing will give the City 90 days' notice if they will no longer provide the property for the dog park.</li></ul>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<ul style="list-style-type: none"> <li>o Council Agendas – Staff was asked to notify the Council in advance when meetings were likely to be long.</li> </ul>	<p>A paper copy of an agenda, showing estimated times for agenda items, will be delivered to the Council when they receive their meeting packet (CD or hard copy).</p>
Executive Session	<p>The Tigard City Council went into Executive Session at 6:40 p.m. to discuss labor negotiations and real property transaction negotiations under ORS 192.660(2)(d) and (2)(e).</p> <p>Executive Session concluded at 7:29 p.m.</p>	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:38 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications &amp; Liaison Reports: None</p> <p>1.5 Call to Council and Staff for Non-Agenda Items:</p> <p>Councilor Harding advised that the Tigard Police Department is hosting a Shred-It event on Saturday, February 25, from 10 a.m. – 2 p.m. in the City Hall parking lot. Citizens may bring household documents for shredding.</p> <p>Councilor Harding announced a tree planting event at Bonita Park on February 25 from 9 a.m. - noon. Call Tualatin Riverkeepers (503) 620-7507 for information.</p> <p>Mayor Dirksen was invited by Metro to participate in a Mayors and Chairs Forum. The text of his presentation will be available on the City of Tigard's website.</p>	<p>Mayor Dirksen will share his presentation with the press and staff will it on the City's website.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>City Manager Prosser introduced Finance Director Bob Sesnon who started at the City on February 13, 2006.</p>	
<p>2. Citizen Communication</p>	<ul style="list-style-type: none"> <li>♦ Tigard High School Student Envoy Jasmina Dizardik presented a report to the City Council on Tigard High School Activities. A copy of her report is on file in the City Recorder's office.</li> <li>♦ Gretchen Buehner, 13249 SW 136<sup>th</sup> Pl., Tigard, Oregon, raised an issue regarding property being developed between 147<sup>th</sup> and 150<sup>th</sup> Avenues off of Beef Bend Road. The trees were left on the steepest slopes but the rest of the area was clear cut, creating an eyesore and potential for landslides. She said tree removal requirements for slopes need to be reviewed.</li> </ul> <p>Mayor Dirksen noted that this land is not in the City limits, but in the urban services area; therefore, any change adopted by Tigard would need to be adopted by the County also. Councilor Harding said she wants to discuss at next week's Planning Commission meeting, the negative effects development can have on neighboring properties.</p> <ul style="list-style-type: none"> <li>♦ Cleon Cox III, 13580 SW Ash Ave., Tigard, OR, discussed his perception of a lack of communication and customer service from the City. He recalled being the only person to testify in person on a particular matter at a prior Council meeting, yet he knew a neighbor had submitted written comments in a letter. He did not see the letter opened and read at the meeting. His concern is that a decision was made without consideration of all available public input. He realizes that the Council is charged with making decisions but must rely on information given to them by staff. He urged the Councilors to make sure the staff is doing all they can to get them necessary information. He was in the City's volunteer leadership group and their final project was to put together a packet of communication ideas. This was given to the Assistant to the City Manager. He said citizens who want to be heard</li> </ul>	<p>Councilor Wilson said this issue that will be included in the Code revision discussion at next week's Joint Meeting with the Planning Commission.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>do not feel heard. People who had issues felt they were not being listened to by City staff and the Council. He asked how this can be resolved.</p> <p>Mr. Cox used an example of a citizen asking about a Highway 99W traffic issue, who was told that ODOT was in charge of the highway. Why, Mr. Cox asked, didn't the staff person talk to ODOT rather than suggest that the citizen do it? He said City staff members know the transportation lingo and could be more effective. Mr. Cox reiterated that communication must be improved.</p> <p>Councilor Harding asked him for suggestions and requested information from him for next week's meeting where better communication is an agenda item.</p> <p><b>Fifth Tuesday Meeting Follow-up:</b></p> <p>City Council and City Manager Prosser discussed the issue regarding Development Code regulations for towers. This matter was brought to the City Council at its January 31 Fifth Tuesday meeting because of a radio tower constructed in a neighborhood.</p> <p>Interim Community Development Director Coffee said the Development Code does not define the term "attached" as it applies to an accessory structure. Whether or not a structure is attached to the main structure affects setback requirements. Councilor Wilson requested that tower height and attachment requirements be added to the list of items for the Development Code discussion with the Planning Commission next week. It was noted that the neighborhood group that attended the January 31 Fifth Tuesday meeting should be provided a status report on what is being done to look into their concerns. In addition there was a suggestion that the process to appeal staff interpretations be discussed with the Planning Commission next week.</p> <p>Other matters at the Council's Fifth Tuesday meeting included:</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)										
	<ul style="list-style-type: none"><li>○ A signal at Main Street and Tigard Street – This will be reviewed as part of the downtown development.</li><li>○ Suggestion for feedback in the Cityscape for Parks and Recreation. (Parks and Recreation Advisory Board feedback).</li><li>○ Concern with changes with a development after the developer’s meeting with a neighborhood. It was noted that the public should be informed that a development could change as it moves through the process, which includes public hearings.</li></ul> <p>City Manager Prosser indicated he would review the notes from the Fifth Tuesday Meeting and provide the City Council with additional follow up information.</p>											
3. Consent Agenda	<p>3.1 Approve Council Minutes for January 6, and 10, 2006</p> <p>3.2 Receive and File:</p> <ul style="list-style-type: none"><li>a. Council Calendar</li><li>b. Tentative Agenda</li><li>c. January 31, 2006, Fifth Tuesday Meeting Notes</li></ul> <p>3.3 Local Contract Review Board:</p> <ul style="list-style-type: none"><li>a. Approve the Purchase of a Loader/Backhoe from Halton Company</li><li>b. Award Construction Contract for Information Technology Building Electrical Upgrade and Emergency Generator Power Supply to Frahler Electric</li></ul> <p>3.4 Approve Budget Amendment No. 9 to Increase Appropriations in the Traffic Impact Fee Fund for Funding of Walnut Street Right-of-Way Acquisition and the Street Maintenance Fee Fund for Funding of Additional Costs Related to the Pavement Major Maintenance Program- Resolution No. 06-05</p> <p>A RESOLUTION APPROVING BUDGET</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Wilson, to approve the Consent Agenda.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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Agenda Item	Discussion & Comments	Action Items (follow up)										
	<p>AMENDMENT #9 TO THE FY 2005-06 BUDGET TO INCREASE APPROPRIATIONS IN THE TRAFFIC IMPACT FEE FUND FOR FUNDING OF WALNUT STREET RIGHT-OF-WAY ACQUISITION AND THE STREET MAINTENANCE FEE FUND FOR FUNDING OF ADDITIONAL COSTS RELATED TO THE PAVEMENT MAJOR MAINTENANCE PROGRAM</p> <p>3.5 Approve Intergovernmental Agreement (IGA) with Washington County for use of MSTIP3 Bike and Pedestrian Program Funds on the Washington Square Regional Center Greenbelt Trail Project</p> <p>3.6 Approve the Allocation of Funds in FY 06-07 for Commuter Rail Shelter Upgrade – Resolution No. 06-06</p> <p>A RESOLUTION TO ALLOCATE FUNDS IN FY 06-07 FOR COMMUTER RAIL SHELTER UPGRADE</p>											
4. Consider a Resolution of Gratitude to Providence Health Systems for their donation to support Tigard Police D.A.R.E. Summer Camp Programs	<p>Jim Wolf, Police Public Information Officer, introduced Andy Johansen, Director of Information Services for Providence Health System. Mr. Wolf said Providence made a generous donation of \$7,500 to the Tigard Police D.A.R.E. summer camp program. The program provides positive summer activities while reinforcing the importance of staying drug and violence free. These week-long camps are available free of charge to the City’s 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> grade students. Mayor Dirksen and the Council extended appreciation for their involvement and caring for the community. Mayor Dirksen presented Mr. Johansen with a framed recognition plaque.</p> <p>RESOLUTION NO. 06-04 – A RESOLUTION OF THE TIGARD CITY COUNCIL EXPRESSING GRATITUDE TO PROVIDENCE HEALTH SYSTEM FOR A \$7,500 DONATION TO THE TIGARD POLICE DEPARTMENT “D.A.R.E. TO BE GREAT” SUMMER CAMPS</p>	<p>Motion by Councilor Wilson, seconded by Councilor Woodruff, to approve Resolution No. 06-04.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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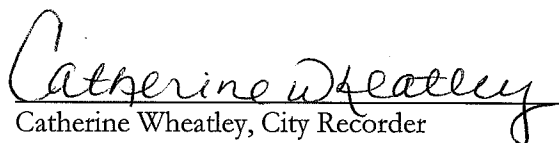
Agenda Item	Discussion & Comments	Action Items (follow up)										
5. Public Hearing – Consider a Resolution Finalizing Sewer Reimbursement District No. 35 (Ash Avenue)	<p>Mayor Dirksen opened the Public Hearing on finalizing the Sewer Reimbursement District 05-51. City Engineer Duenas testified that the project is complete and sewer service can be made available to the lot owners. He described the process and timeline in a PowerPoint presentation.</p> <p>Public Hearing Testimony–</p> <p>Cleon Cox III said he had several things he wanted to point out: 1) During testimony on the formation of District No. 35, he said there were two protests, his and another one written by a woman who could not attend the meeting. He said her written testimony was not opened during the public hearing. He thought the meeting minutes should reflect that. 2) He asked why this was not made into a Local Improvement District. 3) His final bill had increased by 50% and there was a 10% increase in cost within six months, which was high. He asked what this rate was based on. He noted that one person listed on this District’s map lived closer to an existing line on Garrett Street than the proposed line on Ash Street. Mr. Cox wondered why City staff didn’t know about this option for that owner’s corner lot. He also questioned the lateral line depths recommended by the City.</p> <p>Mayor Dirksen asked City Engineer Duenas to discuss the lateral line depth estimates. Mr. Duenas said they plan for worst-case scenarios but owners are notified to coordinate their property’s particular requirements with the inspector.</p> <p>Councilor Wilson asked why initial estimates differed from final costs. Mr. Duenas said all of the bids were higher than the estimate. The cost of materials had gone up 20%, partially due to the increased distance contractors had to travel to obtain gravel. Unstable land issues experienced during sewer line construction in the Edgewood/O’Mara Sewer District made contractors apprehensive of bidding too low.</p> <p>Mayor Dirksen said Tigard has a five-year plan to make sewer available to all residents. Mr. Duenas said it makes more sense to do it systematically rather than react to each case of septic system failure.</p>	<p>Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve Resolution No. 06-07.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Mr. Cox said the district was not wanted. Councilor Sherwood reminded him that people do not have to hook up at the time the lines are put in their street.</p> <p>City Manager Prosser suggested that Mr. Cox meet with City Engineer Duenas to get his specific questions answered.</p> <p>Mayor Dirksen closed the public hearing.</p> <p>RESOLUTION NO. 06-07 – A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 35 (SW ASH AVENUE) AND AMENDING THE PRELIMINARY CITY ENGINEER’S REPORT CONTAINED IN RESOLUTION NO. 05-51</p>	
<p>6. Affordable Housing Fee Assistance Request</p>	<p>Associate Planner Duane Roberts gave the staff report. Non-profit community mental health agency provider Luke-Dorf was the only applicant for the second half of the FY 05-06 funding period. They requested \$2,243 to offset building permit fees on major repairs to a group home located on Hall Blvd. Luke-Dorf representative Howard Spanbock discussed their programs. The Mayor and Council expressed support and appreciation to Luke-Dorf for providing these services to the community.</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Harding, to award \$2,243 in Affordable Housing Fee Assistance to the Luke-Dorf.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen            Yes Councilor Harding        Yes Councilor Sherwood      Yes Councilor Wilson        Yes Councilor Woodruff      Yes</p>
<p>7. Consider Amending the Tualatin River Bicycle and Pedestrian Bridge IGA and Commit Additional Funds to the Project</p>	<p>Parks Manager Dan Plaza and Public Works Director Koellermeier provided information to the Council regarding the approval of this IGA as it relates to increased construction costs and bringing in Clean Water Services as a full partner. At the January 24, 2006 Council meeting, Council was informed that the Tualatin River Bicycle and Pedestrian Bridge project had incurred significant cost increases. Agenda Item No. 8 addresses increasing appropriations for the project. Mayor Dirksen said the other partners have already approved it and the City needs to join them; he noted the longer we wait, the more expensive it might become.</p>	<p>Motion by Councilor Sherwood seconded by Councilor Wilson, to approve the IGA amendment.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen            Yes Councilor Harding        Yes Councilor Sherwood      Yes</p>




Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>With Clean Water Services coming in as a partner, Tigard's maintenance share for the bridge is reduced from 57.5% to 45% - a reduction of 12.5% over the life of the bridge.</p> <p>Councilor Wilson discussed a letter from Western Wood Structures of Tualatin questioning the use of steel rather than wood from a local company. Mr. Plaza noted that the City has purchased bridges from Western Wood Structures in the past and that the material choice for this bridge was controlled by the Oregon Department of Transportation. Their concern is leachates into the stream. Both steel and timber trusses were evaluated and it was determined that steel would last longer and require less maintenance. He noted that the steel will be 100% USA-manufactured.</p> <p>It was noted that the Tigard Youth Advisory Council recommended that the City Council approve this project.</p>	<p>Councilor Wilson      Yes Councilor Woodruff    Yes</p>
<p>8. Consider a Resolution Approving Budget Amendment #8 to the FY 05-06 Budget to Increase Appropriations in the Parks Capital Improvement Budget for Funding of Additional Costs Related to the Tualatin River Bicycle and Pedestrian Bridge</p>	<p>Parks Manager Dan Plaza said Budget Amendment #8 pertains to the increased construction costs of the Tualatin River Bicycle and Pedestrian Bridge. On January 24, 2006, Council directed staff to prepare this amendment.</p> <p>The current FY 05-06 adopted budget for the pedestrian bridge is \$250,125. Tigard's share for this project in FY 05-06 is now \$592,578. So that this project does not show that it went over budget, this amendment is necessary to increase the amount budgeted for the project. The project budget will be increased by a transfer of \$150,000 from the Parks Capital Contingency Fund and a transfer of budgeted appropriations of \$192,453 from the Washington Square Regional Center Trail, which was delayed to FY 06-07. This amendment does not change actual funding sources for the Washington Square Regional Center Trail, only the budget appropriations. The pedestrian bridge expenditure will be paid with \$224,928 in MTIP funds, and \$367,650 in SDC funds specifically allocated for this project. Council Wilson asked the staff if, as the contingency fund will now be at zero,</p>	<p>Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve Resolution No. 06-08.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen            Yes Councilor Harding        Yes Councilor Sherwood      Yes Councilor Wilson         Yes Councilor Woodruff      Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)										
	<p>they were comfortable with this. Parks Manager Plaza and Public Works Director Koellermeier stated that they were.</p> <p>Councilor Harding noted that we have money available now that will not be available later so we need to fund this bridge project since the Washington Square project was postponed.</p> <p>Councilor Wilson said the contingency fund is there for a reason and this certainly is a contingency. Mayor Dirksen acknowledged the Parks staff for their creative solution in finding funding for this project.</p>											
9.	Adjournment: 9:12 p.m.	<p>Motion by Councilor Woodruff, seconded by Councilor Harding, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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Catherine Wheatley, City Recorder

Attest:

  
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Mayor, City of Tigard

Date: March 28, 2006

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